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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

v.

ADAM SHANE AVILES, JR.,

Defendant.

Case No. 23-CR-161-ABJ

UPPOSED MOTION TO CONTINUE MOTIONS DEADLINE

Defendant Adam Shane Aviles, Jr., by and through his counsel David Weiss, Assistant Federal Public Defender, asks this Court to extend the motions deadline ten days to Thursday March 7, 2024. The parties are continuing negotiations in this matter and awaiting potential state charges from another jurisdiction that are directly related to this case.

Counsel has conferred with Assistant United States Attorney Paige Hammer regarding this motion, and AUSA Hammer has no objections to this extension.

Mr. Aviles was charged by complaint on November 13, 2023, with one count of felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8). (ECF No. 1.) Mr. Aviles was taken into federal custody on November 10,

2023 pursuant to a writ. (ECF No. 7.) His initial appearance was held on July 28, 2023, and counsel entered his appearance that same day. (ECF No. 14.) Mr. Aviles was subsequently indicted on that same charge on November 15, 2023. (ECF No. 9.) His initial appearance on the Indictment was held on November 17, 2023. (ECF No. 14.) Defense Counsel entered his appearance that same day. (ECF No. 13.) Mr. Aviles's arraignment, detention hearing was held on November 21, 2023. (ECF No. 20.) Jury Trial was set for January 22, 2024. (ECF No. 23.) Due to the Defendant being suspect in a homicide case and additional charges in another jurisdiction and the significant impact to his guidelines regarding these allegations, the Court granted Defendant's motion for an Ends of Justice continuance and reset trial for April 1, 2024. (ECF No. 26.) Accordingly, the motions deadline is currently February 26, 2024.

Mr. Aviles is suspect in a homicide case and a potential cross reference could take his guidelines to the statutory maximum of 15 years. Defendant is continuing to receive ongoing discovery regarding that case which is expected to continue be provided. Because Mr. Aviles may be facing additional charges in another jurisdiction it is crucial that Defense counsel and Mr. Aviles are fully informed as to the extent and circumstances of the underlying allegations and the effect that a conviction or plea may have in that case. In the case that sufficient evidence would be provided, Mr. Aviles would need additional time to negotiate with the government and have the opportunity to pursue the potential for a global resolution.. *See* Fed. R. Crim.P. 45(b)(1) ("When an act must or may be done within

a specified period, the court on its own may extend the time, or for good cause may do so on a party's motion...."). In light of this, a second ends of justice continuance might also be sought.

Accordingly, Mr. Aviles asks this Court to continue the motions deadline to file any motions to suppress, motions to dismiss and motions for bill of particulars for ten days to Thursday, March 7, 2024.a

DATED this 23rd day of February 2024.

Respectfully submitted,

VIRGINIA L. GRADY
Federal Public Defender

/s/ David Weiss

David Weiss
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2024 the foregoing was electronically filed and consequently served on counsel of record.

/s/ David Weiss

David Weiss